

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DWAIN EDWARD THOMAS,)
)
 Plaintiff,) CIV-20-944-D
)
 v.)
)
 KEVIN STITT, et.al.,)
)
 Defendants.)

REPORT AND RECOMMENDATION

Before the Court is Plaintiff's Application for Leave to Proceed *In Forma Pauperis*. Doc. No. 3. The matter has been referred to the undersigned Magistrate Judge for initial proceedings consistent with 28 U.S.C. §636(b)(1)(B). Having reviewed said Application, the undersigned finds Plaintiff has sufficient financial resources to pay the filing fee as his institutional account has a current balance of \$3,047.92 and his average monthly deposits total \$600.30. Doc. No. 3 at 4. Because he does not qualify for authorization to proceed without prepayment of the filing fee, Plaintiff's Application should be denied, and he should be required to pay the full filing fee for this action to proceed.

RECOMMENDATION

Based on the foregoing findings, it is recommended the Application for Leave to Proceed *In Forma Pauperis* (Doc. No. 3) be DENIED and the action be dismissed without prejudice unless Plaintiff pays the full filing fee to the Clerk of the Court by October 13th, 2020. Plaintiff is advised of his right to file an objection to this Report and Recommendation with the Clerk of this Court by October 13th, 2020, in accordance with 28 U.S.C. § 636 and LCvR 72.1. The failure to timely object to this Report and Recommendation would waive appellate review of the recommended ruling. *Moore v. United States*, 950 F.2d 656 (10th Cir. 1991); *cf.*, *Marshall v. Chater*, 75 F.3d 1421, 1426 (10th Cir. 1996) (“Issues raised for the first time in objections to the magistrate judge’s recommendation are deemed waived.”).

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in the captioned matter, and any motion pending should be deemed denied.

ENTERED this 22nd day of September, 2020.


GARY M. PURCELL
UNITED STATES MAGISTRATE JUDGE